



## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Richard Torczon  
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MAILED

MAR 25 2009

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Applicants: Mohiuddin et al.  
Application No.: 07/330,156  
Filed: 03/29/89; now US Patent  
5,070,877, granted 12/10/91  
For: Novel Method of myocardial imaging

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,620.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Richard Torczon  
RICHARD TORCZON  
Administrative Patent Judge

## INTERFERENCE DIGEST

Interference No. 105,620

Paper No.

Name: Syed M. Mohiuddin et al.

Serial No.: 07/330,156

Patent No. 5,070,877

Title: Novel Method of myocardial imaging

Filed: 03/29/89; granted 12/10/91

Interference with Sollevi

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_

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Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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**This should be placed in each application or patent involved in interference in addition to the interference letters.**

BoxInterferences@uspto.gov  
Telephone: 571-272-4683

Paper 1  
DECLARED 25 March 2008

UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,620 (RT)  
(From Technology Center 1600)

KING PHARMACEUTICALS RESEARCH & DEVELOPMENT, INC.  
(5,070,877),  
Junior Party,

v.

ITEM DEVELOPMENT AB  
(08/442,385),  
Senior Party.

MAILED

MAR 25 2008

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

DECLARATION - BD.R. 203(b)<sup>1</sup>

By TORCZON, *Administrative Patent Judge*.

A. DECLARATION OF INTERFERENCE

An interference is declared pursuant to 35 U.S.C. § 135(a). Details of the application, patent, count, and claims designated as corresponding to the count appear under headings E and F.

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

**B. DESIGNATION TO MANAGE**

Administrative Patent Judge Richard Torczon has been designated to manage the interference. Bd. R. 104(a).

**C. STANDING ORDER**

A copy of the Standing Order (SO, Paper 2) accompanies this declaration. The Standing Order applies to this contested case.

**D. CONFERENCE CALL TO SET DATES**

A telephone conference call to set dates for action in this contested case is scheduled for **2 p.m. (Eastern) on 14 May 2008**. (The Board will initiate the call.)

No later than **12 May 2008**, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the Standing Order. The parties are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. A party requesting more or less time should be prepared to justify the request.

**E. THE PARTIES TO THIS INTERFERENCE***Junior Party*

Patent: 5,070,877, issued 10 December 1991

Title: Novel method of myocardial imaging

Named inventors: Syed M. Mohiuddin and Daniel E. Hilleman,  
both of Omaha, Nebraska

*Senior Party*

Application: 08/442,385, filed 16 May 1995

Title: Method for diagnosing coronary artery disease

Named inventor: Alf Sollevi of Bromma, Sweden

F. COUNTS AND CLAIMS OF THE PARTIES

*Count 1*

The method of 5,070,877 claim 1 or of 08/442,385 claim 56.

The claims of the parties are:

King: 1-48

Item: 56-59

The claims corresponding to Count 1:

King: all

Item: all

The benefit accorded for Count 1:

King: 07/330,156, filed 29 March 1989.

Item: 08/442,385, filed 16 May 1995;

08/031,666, filed 15 March 1993;

07/821,395, filed 14 January 1992;

07/630,413, filed 19 December 1990; and

07/138,306, filed 28 December 1987.

G. HEADING TO BE USED ON PAPERS;  
EXHIBIT NUMBERS

Addendum 1 provides the heading that shall be used on all papers filed in the contested case. See SO ¶ 106.1.1.

The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1); SO ¶ 154.2.1):

Item Development Aktiebolag: 1001-1999.

King Pharmaceuticals Research & Development, Inc.: 2001-2999.

H. ORDER FORM FOR REQUESTING FILE COPIES

When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Attachment: Claims 56-59 of 08/442,385<sup>2</sup>

Enclosure: Copy of Standing Order (Paper 2)

cc:

Thomas G. Rowan, Jones Day, New York City, New York for King Pharmaceuticals Research & Development, Inc.

John P. Scheibeler, White & Case, New York City, New York for Item Development Aktiebolag

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<sup>2</sup> For a United States patent or published application listed in this paper, see <http://patft.uspto.gov/>.

ADDENDUM 1: PAPER HEADING

Filed on behalf of: [Name of Party]

Paper No. [Leave blank]

By: [Name of lead counsel  
Name of backup counsel  
Street address  
City, State, and ZIP Code  
Tel:  
Fax:

]

UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,620 (RT)

KING PHARMACEUTICALS RESEARCH & DEVELOPMENT, INC.  
(5,070,877),  
Junior Party,

v.

ITEM DEVELOPMENT AKTIEBOLAG  
(08/442,385),  
Senior Party.

TITLE OF PAPER

ADDENDUM 2: FILE COPY REQUEST  
Patent Interference No. 105,620

Attach a copy of sections E and F of this declaration to this request.  
On the copy, circle each patent and application that you are requesting.  
Include the following information to facilitate processing of this request:

- 1. Charge fees to USPTO Deposit Account No. \_\_\_\_\_
- 2. Complete address, including street, city, state, ZIP code, and  
telephone number:  
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- 3. Telephone, including area code:  
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